

REMARKS

Claims 1, 3-6, 8-15, 19-28, 30, 32-33, 36-37, 39-40, 43-46, and 48-52 remain in the application. Claim 18 has been cancelled, without prejudice or disclaimer, and claims 1, 14-15, 20-21, 36, and 43 have been amended hereby.

The claims have been carefully reviewed and amended with particular attention to the points raised in the Office Action. It is submitted that no new matter has been added and no new issues have been raised by the present amendment.

Applicants acknowledge the allowance of claims 30 and 32-33.

Reconsideration is respectfully requested of the rejection of claim 1 under 35 U.S.C. § 112, second paragraph, as allegedly failing to particularly point out and distinctly claim the subject matter that Applicants regard as the invention.

Independent claim 1 has been amended in accordance with the comments of the Office Action.

Withdrawal of the rejection of claim 1 under 35 U.S.C. § 112, second paragraph, is respectfully requested.

Reconsideration is respectfully requested of the rejection of claims 1, 3, 8-10, 12, 14-15, 18, 22-25, 27, 43-46, and 49 under 35 U.S.C. § 103(a), as allegedly being unpatentable over U.S. Patent No. 5,771,354 (Crawford) in view of U.S. Patent No. 6,594,675 (Schneider).

Applicants have carefully considered the comments of the Office Action and the cited references, and respectfully submit that claims 1, 3, 8-10, 12, 14-15, 18, 22-25, 27, 43-

46, and 49 are patentably distinct over the cited references for at least the following reasons.

The present invention relates to a communication system, a communication method, a distribution apparatus, a distribution method, and a terminal apparatus for distributing audio data. First and second storage means are included, and control means are included for accessing the content information stored in the first and second storage means based on a single set of management information for managing the content information.

Crawford, as understood by Applicants, relates to an Internet online backup system that provides remote storage for customers using IDs and passwords that are interactively established when signing up for backup services. The system allows a customer computer to connect to an online service provider computer by phone, Internet, or other method, pay a fee to said service provider, and obtain additional processing and storage resources for the customer's computer. The resources can take the form of virtual storage and processing capabilities that give the customer computer what appears to be additional local processing power and additional local storage, possibly including preloaded software and data. The additional resources made available to the customer computer can be used either to enhance local needs or can be used by the customer computer to support services online that otherwise would be unavailable, impractical, or unaffordable.

The Office Action notes that Crawford fails to suggest

or disclose a system comprising control means, wherein the control means accesses content information stored at a predetermined physical address of each of the first storage means and the second storage means based on a single set of management information described with a logical address corresponding to the physical address (see Office Action, p. 6, lns. 10-12). Schneider is cited as allegedly disclosing the missing element.

Schneider, as understood by Applicants, relates to a system, method, and program for accessing an application program, such as a transaction manager. A request for a file is received, the request including a pathname that includes at least one directory name and the file name. The pathname is processed by a file system to determine whether the request is for a file on a storage device or an operation for the application program to perform. The file request is processed to generate a control message for the application program after determining that the request is not for a file on the storage device. The control message is then passed to the application program to cause the application program to perform an operation.

The Office Action states that Schneider discloses a single set of management information described with a logical address corresponding to the physical address (see Office Action, p. 6, ln. 12 to p. 7, ln. 10).

It is respectfully submitted, however, that neither Crawford nor Schneider, alone or in combination, suggest or disclose selection means for selecting at least one piece of

content information by using a single set of management information, as recited in amended independent claim 1.

The Office Action cites the description by Schneider of a well-known filesystem for organizing and storing information, whereby a file is the smallest unit of information storage and a hierarchical arrangement of directories with respect to a root directory defines logical addresses of files in the system (see Schneider, col. 3, lns. 31-43). A logical filesystem is the level of the filesystem at which users may request file operations by system calls that carry out filesystem requests (see id., lns. 44-46).

The filesystem of Schneider may manage permanent, non-volatile storage of data on storage devices (see id., col. 3, ln. 64 to col. 4, ln. 6). File requests are first handled by the logical filesystem, which builds requests to access the data and passes the requests to the physical filesystem (see id.). The physical filesystem then accesses the requested data directly from the storage device using the address information of the physical data on the storage device to directly access the data (see id.).

In the present invention, however, a single set of management information that includes content information stored at both the first storage means and the second storage means is presented to the user when the user requests content information.

The control means of the present invention accesses the content information based on a single set of management

information. As stated in the specification of the present invention, the table of contents (TOC) is structured such that "... the TOC contents for management of contents data stored on each of the apparatuses (server 1, distribution terminal apparatus 2, and portable terminal apparatus 3) which forms the data distribution system and the TOC contents for management of contents data stored in at least one kind of the other apparatus are associated with each other. In other words, the TOC in the present embodiment does not have contents that are complete and independent of each other among the server 1, distribution terminal apparatus 2, and the portable terminal apparatus 3, but has contents common between different ones of the server 1, distribution terminal apparatus 2, and the portable terminal apparatus 3" (see specification of the present application, p. 77, lns. 2-16).

For example, in an embodiment of the present invention, a first table of contents (TOC) and a second TOC may be provided (see *id.*, p. 78, lns. 11-13; Figs. 9D, 9E). The first TOC is composed of the server TOC and the distribution terminal apparatus TOC, and is possessed commonly by the server and the distribution terminal apparatus (see *id.*, lns. 14-18).

The server TOC may be produced by replacing actual addresses of the accessible area of the server with virtual addresses, and the first distribution terminal TOC may be produced by replacing the actual addresses of the storage area of the distribution terminal apparatus with virtual

addresses (see id., p. 78, ln. 19 to p. 79, ln. 2).

The first TOC, therefore, has the server TOC and the first distribution terminal TOC both described using virtual addresses, and contents data stored in the server and contents data stored in the distribution terminal apparatus are managed with the single first TOC.

Reference to the first TOC allows the distribution terminal apparatus to access the contents stored in the storage section of the distribution terminal apparatus and the contents stored in the server (see id., p. 79, lns. 13-18).

Additionally, this arrangement allows the user to easily select content information using the single set of management information even when the first storage means and the second storage means are not connected.

For example, as described in the specification, the distribution terminal apparatus may produce and display a center contents list itself without accessing the server to acquire the TOC (see id., p. 79, ln. 19 to p. 80, ln. 4). This function eliminates the need for transmission and reception of the table of contents to and from the server, and allows for a reduction in both the time before the operation screen is displayed and in communication processing (see id.).

It is respectfully submitted that the disclosed file system of Schneider, alone or in combination with the teachings of Crawford, does not suggest or disclose selection means for selecting at least one piece of content

information by using a single set of management information, as described above and as recited in amended independent claim 1.

Regarding the rejection of independent claim 15, it is respectfully submitted that neither Crawford nor Schneider, alone or in combination, disclose or suggest a distribution apparatus comprising storage means for storing a plurality of pieces of content information, communication means for connecting the distribution apparatus to an external apparatus, accounting setting means, and control means for accessing the stored contents information, wherein the control means controls such that one or more of the plurality of pieces of content information selected by the user by using the external apparatus may be copied or moved from the storage means to the external apparatus through the communication means, and the control means searches for a logical address of the management information corresponding to the one or more pieces of content information selected by the user, converts the logical address into a physical address of the storage means, and accesses the storage means based on the physical address, as recited in amended independent claim 15.

Accordingly, for at least the above-stated reasons, it is respectfully submitted that independent claims 1 and 15 and the claims depending therefrom are patentable over the cited references. Amended independent claims 14 and 43 are believed to be patentable over the cited references for at least similar reasons.

Withdrawal of the rejection of claims 1, 3, 8-10, 12, 14-15, 18, 22-25, 27, 43-46, and 49 is respectfully requested.

Reconsideration is respectfully requested of the rejection of claims 5 and 20 under 35 U.S.C. § 103(a), as allegedly being unpatentable over Crawford in view of Schneider, U.S. Patent No. 6,460,076 (Srinivasan), and U.S. Patent No. 6,430,620 (Omura et al.); of the rejection of claims 6 and 21 under 35 U.S.C. § 103(a), as allegedly being unpatentable over Crawford in view of Schneider, Srinivasan, Omura et al., and U.S. Patent No. 6,154,744 (Kenner et al.); and of the rejection of claims 11 and 26 under 35 U.S.C. § 103(a), as allegedly being unpatentable over Crawford in view of Schneider and Srinivasan.

For at least the reasons set forth above, it is submitted that amended independent claims 1 and 15 and the claims depending therefrom, including claims 5-6, 11, 20-21, and 26 are patentable over Crawford in view of Schneider.

The Office Action cites Srinivasan as allegedly disclosing a system for downloading and recording multimedia files over a network, erasure means, and account setting means (see Office Action, p. 16, lns. 12-17); Omura et al. as allegedly disclosing a system for locating and retransferring lost data (see id., lns. 19-21); and Kenner et al. as allegedly disclosing a system for storing and retrieving video data at distributed sites (see id., p. 18, lns. 5-7).

Srinivasan, as understood by Applicants, relates to an

apparatus and method for pay per record downloading and recording of data files over a data network. A server connected to the world wide web includes a database which includes a number of data files for sale to customers. A web page is provided on the server for customers to access and view the products for sale.

Omura et al., as understood by Applicants, relates to a system and method for locating and retransferring lost data through the use of position number within a file. A request for change of rate is made from a client in correspondence to the state of vacancy of a receiving buffer, and the send rate on the server is changed based on the request for change of rate, to prevent any overflow of stream data from the receiving buffer. Based on a retransfer request issued from the client in correspondence to the loss of stream data received by the packet receiving means, storing means on the server sends out data corresponding to lost data concerned, to compensate in case of occurrence of data loss.

The resending operation of Omura et al., as understood by Applicants, relates to retransmission of data packets within a continuous stream of data. That is, the transfer control of Omura et al. is directed to providing a reliable stream data transfer method and system by lowering the send rate from the server before any loss of data is produced on the buffer of the client and to provide for transmission of the lost data again, even if there are data lost in the buffer of the client (see Omura et al., col. 2, lns. 54-62).

A retransfer requesting means is provided on the client

of Omura et al. to monitor loss of data received by packet receiving means, and to make a request for retransfer of the data corresponding to the lost data (see id., col. 3, lns. 40-47). Retransfer controlling means is provided on the server to perform retransmission of the stream data corresponding to the lost data (see id.).

Kenner et al., as understood by Applicants, relates to a system and method for optimized storage and retrieval of data on a distributed computer network. "Smart Mirror" sites are deployed throughout a network, each of which maintains a copy of certain data managed by the system. Every user is assigned to a specific delivery site based on an analysis of network performance with respect to each of the available delivery sites. Generalized network performance data is collected and stored to facilitate the selection of additional delivery sites and to ensure the preservation of improved performance in comparison to traditional networks.

It is respectfully submitted, however, that neither Srinivasan, Omura et al, nor Kenner et al., alone or in combination with Crawford or Schneider, disclose or suggest a communication system comprising first storage means for storing a plurality of pieces of content information, second storage means for storing a plurality of pieces of content information, selection means for selecting at least one piece of content information by using a single set of management information, control means for accessing the selected content information stored in the first storage

means and the second storage means based on the single set of management information for managing the content information stored in the first storage means and the second storage means, as described above and as recited in amended independent claim 1.

Accordingly, for at least the above-stated reasons, it is respectfully submitted that independent claim 1 and the claims depending therefrom, including claims 5, 6, and 11, are patentable over the cited references. Amended independent claim 15 and the claims depending therefrom, including claims 20, 21, and 26, are believed to be patentable over the cited references for at least similar reasons.

Withdrawal of the rejection of claims 5-6, 11, 20-21, and 26 is respectfully requested.

Reconsideration is respectfully requested of the rejection of claims 36-37 and 39-40 under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,385,596 (Wiser et al.).

Applicants have carefully considered the comments of the Office Action and the cited reference and respectfully submit that claims 36-37 and 39-40 are patentably distinct over the cited reference for at least the following reasons.

Wiser et al., as understood by Applicants, relates to a computer implemented online music distribution system that provides for secure delivery of audio data and related media, over a public communications network. The online music distribution system provides security through multiple

layers of encryption, and the cryptographic binding of purchased audio data to each specific purchaser. The online music distribution system also provides for previewing of audio data prior to purchase.

The system of Wiser et al. includes a content manager, a delivery server, and an HTTP server communicating with a client system including a web browser and a media player. The content manager provides for management of media and audio content, and processing of purchase requests. The delivery server provides delivery of the purchased media data. The web browser and HTTP server provide a communications interface over the public network between the content manager and media players. The media player provides for encryption of user personal information, and for decryption and playback of purchased media data.

A digital passport in each media player of Wiser et al. contains identifying information that identifies the purchaser, along with confidential information, such as credit card number, and encryption data, such as the media player's public and private keys. The media player encryption data is used to encrypt purchased media data, which is decrypted in real time by the media player.

As understood by Applicants, Wiser et al. discloses a web page for selecting a preview of a media data file prior to purchase (see Wiser et al., col. 14, lns. 36-64; Fig. 8). The page includes a link to the HTTP server, and when the link is clicked the web browser requests a preview of a corresponding media file from the HTTP server (see id.).

The HTTP server receives the preview request and invokes the content manager to validate that the media data file exists based on the media ID (see id.).

After verification and identification of an available delivery server in the system of Wiser et al., the content manager generates a media voucher and sends it to the HTTP server (see id., col. 15, lns. 19-61). The HTTP server then returns an HTTP response with the voucher information to the web browser, and the web browser invokes the media player to play the streamed preview from the delivery server (see id.).

In the present invention, the accounting means does not set the amount of the fee to be imposed on the terminal apparatus when the content ID is placed in the purchase information as purchased content ID and the content information corresponding to the content ID stored in the second storage means is accessed by the access control means. When the selected content ID was previously purchased such that it is in the purchase information as purchased content ID, then the accounting setting means does not set the fee.

It is respectfully submitted that Wiser et al. does not disclose storage control means for placing a content ID stored in the second storage means into purchase information managed for each terminal apparatus and stored in second storage means after content information associated with the content ID is purchased in response to a request from said terminal apparatus, as recited in amended independent claim

36.

Accordingly, it is respectfully submitted that amended independent claim 36 and the claims depending therefrom are patentable over the cited reference.

Withdrawal of the rejection of claims 36-37 and 39-40 is respectfully requested.

Reconsideration is respectfully requested of the rejection of claim 52 under 35 U.S.C. § 103(a), as allegedly being unpatentable over Wiser et al. in view of U.S. Patent No. 6,567,847 (Inoue).

Applicants have carefully considered the comments of the Office Action and the cited references, and respectfully submit that claim 52 is patentably distinct over the cited references for at least the following reasons.

The Office Action notes that Wiser et al. does not disclose digital audio compressed in an ATRAC format (see Office Action, p. 26, lns. 11-14). Inoue is apparently cited as showing the missing element.

Inoue, as understood by Applicants, relates to a data transmitting and receiving system wherein a data file produced by a user can be uploaded into a server and the updated data file can be downloaded to another user.

It is respectfully submitted, however, that neither Wiser et al. nor Inoue, alone or in combination, disclose or suggest a communication system having a terminal apparatus, a distribution terminal apparatus and a server apparatus, comprising a first storage medium provided in the server apparatus, a second storage medium provided in the

distribution terminal apparatus, a third storage medium provided in said terminal apparatus, and a controller for controlling access to any of the first, second, and third storage media based on management information for managing content information stored in at least two of the first, second, and third storage media with a single table of contents, wherein at least one piece of content information is selected using a single set of management information; and the controller accesses the selected content information stored at a predetermined physical address of each of the first and second storage media based on the management information described with a logical address corresponding to the physical address, as recited in independent claim 43.

Accordingly, for at least the above-stated reasons, it is respectfully submitted that amended independent claim 43 and the claims depending therefrom, including claim 52, are patentable over the cited references.

Withdrawal of the rejection of claim 52 is respectfully requested.

Should the Examiner disagree, it is respectfully requested that the Examiner specify where in the cited document there is a basis for such disagreement.

The Office is hereby authorized to charge any additional fees which may be required in connection with this Amendment and to credit any overpayment to Deposit Account No. 03-3125.

Favorable reconsideration is earnestly solicited.

Respectfully submitted,
COOPER & DUNHAM, LLP

A handwritten signature in cursive script, reading "Jay H. Maioli".

Jay H. Maioli
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